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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**NOTICE OF MOTION FOR LEAVE TO
PROCEED USING FICTITIOUS
NAMES AND TO SUBMIT
DECLARATIONS UNDER SEAL**

Time: 9:00 AM

Date: January 30, 2008

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PLEASE TAKE NOTICE that at 9:00AM on January 30, 2008, or as soon thereafter as counsel may be heard, in the courtroom of the Honorable Phyllis J. Hamilton, located at 450 Golden Gate Avenue in San Francisco, California, Plaintiffs Jane Doe, B. Doe, and N. Doe will move this Court for an order granting them leave to proceed in this action in these fictitious names. Pursuant to Civil Local Rule 79-5(c), plaintiffs respectfully hereby request leave of the Court to file under seal a portion of the following documents being lodged with the Clerk: Declaration of Jane Doe in Support of Motion for Leave to Proceed Using Fictitious Names and Declaration of N. Doe in Support of Motion for Leave to Proceed Using Fictitious Names.

The grounds for this motion are that plaintiffs and their families have a sensitive immigration status. Plaintiffs' declarations indicate a genuine fear that if plaintiffs' or their *guardian ad litem*'s names were used in this litigation, they would face reprisal in the form of deportation and economic harm.

The facts revealing the true identities of plaintiff Jane Doe and her *guardian ad litem*, as well as of plaintiff N. Doe and her daughter plaintiff B. Doe, are submitted to the Court in original declarations containing their true identities. Plaintiffs seek leave to file under seal only the portion of their declarations containing their true identifies. The facts supporting the Doe plaintiffs' claims and the need to secure their privacy are established in their declarations, as well as in the supporting Declaration of Allison Davenport, staff attorney at Centro Legal de la Raza.

The Court has the authority to permit plaintiffs to proceed under fictitious names in cases like this where there is a serious threat to plaintiffs and their families' right to privacy, as well as threats of deportation and economic harm.

This motion is based on the pleadings and records on file in this action, on the attached memorandum of points and authorities and declarations in support of this motion and upon such evidence as might be presented at the hearing on this motion.

Dated: December 21, 2007

Respectfully submitted,

Tara Kini

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